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09/604,824	06/27/2000	Jeffrey C. Schroeder	FL001	4570

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EXAMINER

SLOAN, NATHAN A

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/604,824

Applicant(s)

SCHROEDER, JEFFREY C.

Examiner

Nathan A Sloan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed 9/4/03 which cancelled all previously addressed claims and presented new claims 34-88 necessitates the following new grounds of rejection.

Because applicant failed to adequately traverse the Official Notice taken regarding claims 3, 21, and 29 (wind vanes are notoriously well known in the art), these statements are taken as admitted prior art. See MPEP 2144.03(c).

Information Disclosure Statement

2. The information disclosure statement filed 7/3/03 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Specifically, no copy of the WO 98/47497 has been provided. It appears this is a typographical error as a copy of W0 98/57497 was provided.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: item 27 of Figure 1, referenced on page 3. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. Examiner notes that applicant indicated in the response filed 9/4/03 that a corrected Figure 1 was submitted, however, no corrected drawing has been received.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "81" has been used to designate both drawing/captioning layer and a control signal in Figure 9. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. Appropriate corrections to the specification should also be made.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 34-41, 44-46, and 75-88 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Shelton (5,568,386).

With respect to claims 34, 36, 75, 77, the claimed system and method for integrating wind direction and wind speed or “at least one weather parameter” into a television broadcast related to a first geographic location is taught by Shelton as seen in Figures 1 and 3 and throughout the specification. Specifically, the claimed “at least one monitoring station located at the first geographic location .. including means” for sensing the wind direction and wind speed at the first geographic location, generating a wind direction and speed signals, and “transmitting the wind speed signal and wind direction signal from the monitoring station” is taught as seen in Figure 1 with remote weather stations 38, 44, and 46, which as seen in Figure 23 generate both a wind speed and wind direction signal for transmission to base station 1. The claimed base station including means for receiving the provided signals and generating icons representing wind speed and direction is met by receiving the signal via line 23 of Figure 1 and generating icons seen in Figure 23. These signals are then converted “into respective television signals representing the wind direction and the wind speed, the television signal being in a format suitable for integration into the television broadcast” as taught in column 3, lines 8-20. The

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signals may be superimposed over video of the region (col. 3, lines 20-35) meeting the claimed integration and superimposing “on the television broadcast related to the first geographic location.” As previously mentioned, weather signals are gathered from a plurality of geographic locations as seen in Figure 1 at stations 38, 44, and 46. These signals are all sent to the base weather station and users may select from real-time information at a location of their choice as taught in col. 2:58-65, meeting the claimed switching and selecting means for the icon weather signal at a first and second geographic location.

With respect to claims 35 and 76, the claimed signal being live video signal “including portions which can vary responsive to the weather parameters prevailing at the geographic locations” is taught by Shelton in col. 2:58-65 and col. 3.

With respect to claims 37, the claimed “monitoring station including a micro controller coupled to receive the weather parameter signal from the sensing means, and wherein transmitting means includes a wireless modem coupled to the micro controller to transmit the wind direction and wind speed weather signals” is met by remote computer 114 and modem 39 of Figure 4, which may be wireless as taught in col. 3:3-7.

With respect to claims 38, 39, and 78, the claimed communications network being wireless, “a cellular communications network” or a “UHF radio communications network” is taught in column 3, lines 3-15.

With respect to claim 40 and 79, the claimed generation of wind direction and wind speed icons is met as noted above with reference to Figure 23.

With respect to claim 41, the claimed continuous monitoring “for changes over time, so that changes in the weather parameters can be matched with changes in the television broadcast

signals” is met by real-time monitoring as previously noted (col. 3:35-41), which are integrated into continuously changing broadcast signals as they are received.

With respect to claims 44, 80, and 81, the claimed polling and monitoring in real-time are taught by Shelton throughout the specification as noted above, see col. 3:35-42 and col. 9:50-54.

Claims 45 and 82 are met as noted above in response to claim 34 and 75.

With respect to claims 46 and 83, Shelton teaches inserting a logo, claimed advertising, on the title bar for display in col. 12:17-20. While not explicitly taught to be an icon, the teachings of Shelton that the area is a bit-mapped image with logo meet the definition of an “icon,” which is taken to be a small picture or visual representation on a display.

With respect to claim 84, the claimed operator interface “enables a selective display of status conditions of the monitoring station” is taught in with monitor 10 of Figure 5B and col. 7:1-39.

With respect to claims 85-86, the claimed “operator interface enables selection of the monitoring station to be sampled” is taught in the previously noted sections with station conditions selectable to produce screens. As seen in Figure 6 remote conditions may be displayed from a plurality of locations by selecting graphics at 208.

With respect to claim 87, the claimed operator interface including “at least one remote status window for the monitoring station coupled with the base station, for displaying status conditions and sampled data to the operator” is taught in previously cited sections and seen throughout the figures, such as Fig 10 for example.

With respect to claim 88, the claimed interface including “means for controlling the sampling and display of the monitoring station, and ... setting graphic parameters and for

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controlling display of icons associated with the monitoring station” is seen in Figures 10 and 23-24. Various control screens are provided to enable operator inputs to select “sampled data from the monitoring station” to display the graphics as seen throughout the Figures and previously noted.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 42-43 and 47-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton (5,568,385).

With respect to claim 42, the claimed “time-multiplexing means for establishing communications between the monitoring ... and base stations” is not taught by Shelton. Examiner takes Official Notice that tdma communications were notoriously well known in the art at the time of the invention. It would have been obvious for one skilled in the art at the time of the invention to modify the system and methods of Shelton by using tdma in order to communicate data in a secure, reliable manner.

With respect to claims 43 and 80-81, the claimed polling and monitoring in real-time are taught by Shelton throughout the specification as noted above, see col. 3:35-42 and col. 9:50-54.

With respect to claim 47, the claimed monitoring station including a micro controller to receive and sample weather parameter signals is met by remote computer 114 of Figure 4. Shelton does not explicitly teach the claimed "interrupt logic for servicing interrupts generated by the sampling means." Examiner takes Official Notice that ISR routines were notoriously well known in the art at the time of the invention. Moreover, ISR's are well known for use during data sampling or processing in order to allow other functions to be performed by a processor while waiting on data collection or transmission. It would have been obvious for one skilled in the art at the time of the invention to modify the system and methods of Shelton by using ISR logic in order to allow multiple tasks to be performed by computer 114, thus speeding up overall task execution.

Claim 61 recites similar limitations in part to claim 34 above. Further limitations parallel those addressed in response to claim 47 above. It would have been obvious for one skilled in the art at the time of the invention to modify the system and methods of Shelton by using ISR logic in order to allow multiple tasks to be performed by computer 114, thus speeding up overall task execution.

With respect to claims 48 and 62, the claimed ISR are met as previously noted. Shelton does not teach "switch logic responsive to an operate ... for configuring and programming the microcontroller." Examiner takes Official Notice that switch logic to configure and program microcontrollers was well known in the art at the time of the invention. This was seen throughout the industry using electronically programmable ROM's that may be rewritten/

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configured as necessary. It would have been obvious for one skilled in the art at the time of the invention to modify the system of Shelton by including switch logic to configure and program a microcontroller in order to allow a system that can be updated and reconfigured according to varying system needs.

With respect to claims 49-51 and 63-65, Shelton does not teach the claimed poll-select “protocol interrupt logic for coordinating and executing” multi-point series communication to deliver the data from the microcontroller to the base station. Shelton does teach multi-point serial communications for delivery in col. 6:17-30 and seen in Fig. 1, but not use of poll-select “protocol interrupt logic.” Examiner takes Official Notice that protocol interrupt logic was notoriously well known in the art at the time of the invention. It would have been obvious for one skilled in the art at the time of the invention to modify the system and methods of Shelton by using poll-select protocol interrupt logic in order to allow multiple tasks to be performed by computer 114, thus speeding up overall task execution.

With respect to claims 52 and 66, the claimed “microcontroller further includes operator interface means coupled with the microcontroller” is seen in Figure 5B with the monitor 10.

With respect to claims 53 and 67, the claimed operator interface “enables a selective display of status conditions of the monitoring station” is taught in col. 7:1-39.

With respect to claims 54-55 and 68-69, the claimed “operator interface enables selection of the monitoring station to be sampled” is taught in the previously noted sections with station conditions selectable to produce screens. As seen in Figure 6 remote conditions may be displayed from a plurality of locations by selecting graphics at 208.

With respect to claims 56 and 70, the claimed operator interface including “at least one remote status window for the monitoring station coupled with the base station, for displaying status conditions and sampled data to the operator” is taught in previously cited sections and seen throughout the figures, such as Fig 10 for example.

With respect to claims 57-58 and 71-72, the claimed interface including “means for controlling the sampling and display of the monitoring station, and ... setting graphic parameters and for controlling display of icons associated with the monitoring station” is seen in Figures 10 and 23-24. Various control screens are provided to enable operator inputs to select “sampled data from the monitoring station” to display the graphics as seen throughout the Figures and previously noted.

With respect to claims 59-60 and 73-74, the claimed use of “protocol interrupt logic for coordinating and executing communication of the sampled data ... for refreshing” to provide up-to-the-minute display of weather signals is not taught by Shelton. Shelton teaches real time updating and selection of remote stations to display conditions as previously noted, but not the use of “protocol interrupt logic.” Examiner takes Official Notice that protocol interrupt logic was notoriously well known in the art at the time of the invention. It would have been obvious for one skilled in the art at the time of the invention to modify the system and methods of Shelton by using poll-select protocol interrupt logic in order to allow multiple tasks to be performed by computer 114, thus speeding up overall task execution.

Conclusion


3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan A Sloan whose telephone number is (703)305-8143. The examiner can normally be reached on Mon-Fri 7:30am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703)305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-5399 for regular communications and (703)308-5399 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.


VIVEK SRIVASTAVA
PRIMARY EXAMINER